

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on February 9, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 321, 2/6/2001; HB 154,
2/6/2001; HB 172, 2/6/2001; HB
145, 2/6/2001
Executive Action: SB 321; HB 154; SB 298; HB 145

HEARING ON SB 321

Sponsor: SENATOR DALE MAHLUM, SD 35, MISSOULA

Proponents: Richard Smith, Physical Therapist
Gary Lusin, Physical Therapist
Sami Butler, Montana Nurses Association
Mona Jamison, Montana Physical Therapy Association
SENATOR VICKI COCCHIARELLA, SD 32, MISSOULA

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.6}

SENATOR DALE MAHLUM, SD 35, MISSOULA, said this bill would add physical therapists to the agencies that can provide full freedom of choice.

Proponents' Testimony:

Richard Smith, Physical Therapist, said this bill addresses freedom of choice by patients for physical therapists. He said the cost would be less for patients if they could choose their own physical therapists, rather than having to go to an M.D. to get a referral. **EXHIBIT (bus33a01)**

Gary Lusin, Physical Therapist, said there are two issues to this bill. One from the patients stand point would allow them to choose their own physical therapist. The other view point is from the business owners who find those patients that have direct access are hassle free. However those insurance companies which do not allow direct access cause the business owners to spend a great deal of time on the phone with insurance companies, patients and physicians trying to organize the whole process. **EXHIBIT (bus33a02)**

Sami Butler, Montana Nurses Association, said they support the bill.

Mona Jamison, Montana Physical Therapy Association, said there are insurance companies who don't think this is the law and this bill would make that clear. She said this would save the health care industry money by alleviating calls and doctor visits that are unnecessary.

SENATOR VICKI COCCHIARELLA, SD 32, MISSOULA, said she has seen the costs added to claims by having to go to an M.D., and she wholeheartedly supports this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 10.9}

Senator Dale Mahlum, SD 35, Missoula, closed without comment.

EXECUTIVE ACTION ON SB 321

Motion/Vote: SEN. MAHLUM moved that SB 321 DO PASS. Motion carried unanimously.

HEARING ON HB 154

Sponsor: REPRESENTATIVE DANIEL MCGEE, HD 21, LAUREL

Proponents: Gary Gilmore, Depart of Transportation
Linda Stahl, Montana Association of Planners

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 12.9}

REPRESENTATIVE DANIEL MCGEE, HD 21, LAUREL, said basically this bill strikes the requirement that you be within 3 miles of a control point in order to get a coordinate in surveying.

Proponents' Testimony:

Gary Gilmore, Depart of Transportation, said the benefits of this bill would be significant to the department in that it would facilitate the use of new technology.

Linda Stahl, Montana Association of Planners, said this takes the way things ought to be done, and the way things are being done and puts it all in one place.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR COCCHIARELLA asked if this would have to be changed again in the future.

REPRESENTATIVE MCGEE said this would be sufficient for at least the next twenty years.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 28.2}

REPRESENTATIVE DANIEL MCGEE, HD 21, LAUREL, closed without comment.

EXECUTIVE ACTION ON HB 154

Motion/Vote: SEN. COCCHIARELLA moved that AMENDMENT TO HB 154 BE ADOPTED. Motion carried unanimously.

Motion/Vote: SEN. MAHLUM moved that HB 154 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SB 277

Motion: SEN. TAYLOR moved that SB 277 DO PASS.

Discussion: CHAIRMAN TAYLOR said there is some concern by the Department of Commerce that there is duplication in this bill, and that there may be problems in the policing of this. **SENATOR SPRAGUE** said the letters he's gotten from plumbers at home have been very negative. **SENATOR COCCHIARELLA** said the plumbers support this bill. She pointed out that this is about getting into the sewer system or public water supply or the really major connection. **SENATOR SPRAGUE** said this bill influences installation of water tanks also. **SENATOR COCCHIARELLA** said if you have a 4 unit apartment building, down to a single family dwelling, you don't have to have this inspection.

CHAIRMAN TAYLOR withdrew his motion, in order to study the bill further.

HEARING ON HB 172

Sponsor: Representative Linda Holden, Hd 86, Valier

Proponents: Allan Underdal, Toole County Commissioner
Jerome Moraslco, Marias Medical Facility
Tom Schneider, MT Public Employees Assoc
Bob Olson, Montana Hospital Association

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 10.2}

REPRESENTATIVE LINDA HOLDEN, HD 86, VALIER, said this bill would allow smaller county hospitals to be exempted from the mandated group state plan and offer better packages when employing health care workers. **EXHIBIT (bus33a03)**

Proponents' Testimony:

Allan Underdal, Toole County Commissioner, said there are currently only five county owned and operated hospitals in Montana. He said they are not able to compete in wages with surrounding medical establishments, but this bill would make them more competitive by being able to offer a variety of packages. **EXHIBIT (bus33a04)**

Jerome Moraslco, Marias Medical Facility, said passage of this bill would eliminate operational disadvantages they have with other medical facilities in the state. He handed out a graphic explanation. **EXHIBIT (bus33a05)**

Tom Schneider, Montana Public Employees Association, said they support this bill because the benefit packages are all negotiable by the employees.

Bob Olson, Montana Hospital Association, said that he supports this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR ED BUTCHER asked if Central Montana Hospital was included in this.

Bob Olson said that it wasn't because it is a private hospital.

SENATOR COCCHIARELLA asked why it was only limited to 5th, 6th, and 7th class counties.

Jerome Moraslco, replied that the bigger counties have private, non-profit hospitals and county owned hospitals are only in the smaller communities.

SENATOR DON RYAN said a hospital in Great Falls which was a county facility had to go private because they had no flexibility in the plans.

CHAIRMAN TAYLOR asked what **SENATOR BILL TASH'S** feeling on the bill was.

SENATOR TASH said he wants district hospitals included in this bill. He submitted written testimony from the hospital administrator in Dillon. **EXHIBIT (bus33a06)**

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Time Counter : 4.9}

REPRESENTATIVE LINDA HOLDEN, HD 86, VALIER, said the smaller hospitals may not be able to make it without this bill. She stated that the people in the small communities are concerned they may lose their hospitals.

EXECUTIVE ACTION ON SB 298

Discussion: **Bart Campbell** explained the amendments.

EXHIBIT (bus33a07) **CHAIRMAN TAYLOR** said he thought it would be too hard to determine when interest bearing accounts would begin, and it would create litigation. **SENATOR COCCHIARELLA** said she did not agree with the amendment at all, because it would let a bunch of people off the hook. **SENATOR BUTCHER** said he agrees with the \$200,000 limit, but he does not agree with not putting the money in an interest bearing account. He said this would encourage the one holding the money to give it back where it is due in a timely manner. **SENATOR SPRAGUE** said he doesn't have a problem with this bill.

Motion/Vote: SEN. COCCHIARELLA moved that **SECTIONS 2,3,and 6 OF the AMENDMENT BE ADOPTED. Motion carried unanimously.**

Motion/Vote: SEN. TAYLOR moved that **SECTIONS 1 & 4 OF the AMENDMENT BE ADOPTED. Motion carried 6-3 with Cocchiarella, Roush, and Ryan voting no.**

Motion/Vote: SEN. TAYLOR moved that **SB 298 DO PASS AS AMENDED. Motion carried unanimously.**

HEARING ON HB 145

Sponsor: REPRESENTATIVE RICK DALE, HD 39, WHITEHALL

Proponents: Eric Fehlic, Department of Commerce
Bob Pavlovich, IBEW

Opponents: None

Opening Statement by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 23.5}

REPRESENTATIVE RICK DALE, HD 39, WHITEHALL, said this bill clarifies what has been understood as a long standing distinction between the building code and the electrical code by clarifying terminology, and the authority to adopt and enforce an electrical code separate from the authority found in the building code.

Proponents' Testimony:

Eric Fehlic, Department of Commerce, said this is a house cleaning bill and handed in his written testimony.

EXHIBIT (bus33a08)

Bob Pavlovich, IBEW, said he concurs with the previous testimony and supports this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Time Counter : 2.6}

REPRESENTATIVE RICK DALE, HD 39, WHITEHALL, said this bill would make the inspections work better.

EXECUTIVE ACTION ON HB 145

Motion/Vote: SEN. COCCHIARELLA moved that HB 145 BE CONCURRED IN.
Motion carried unanimously.

ADJOURNMENT

Adjournment: 9:35 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

MT/KK

EXHIBIT (bus33aad)